

**d.) Remarks.**

Applicant has amended claims 1, 10, 11, 19-21, 23, 25-28, 46, 54, 55, 59, 61, 63-66, 68, 70-73 and 75, all to more clearly define the invention. Claim 1 was amended to incorporate the inventive aspect of claim 63, claim 20 was amended to incorporate the inventive aspect of claim 25, and claim 65 was amended to incorporate the inventive aspect of claim 68. Claims 11, 25, 28, 55, 64 and 73 were amended to correct dependencies in accordance with the amended claims. Claims 1, 10, 11, 19, 20, 23, 25, 46, 54, 61, 63, 65, 66, 68, 70, 72 and 75 were amended to recite that medical records contains medical information. Further support for the amendments to claims 10, 26, 55, 64 and 71 is found in the specification at page 7, lines 5-7 and 17-18. Any additional support can be found within the claims themselves. No new matter is presented with these amendments. Accordingly, claim 1-29, 46-75 are currently pending.

**Remarks Regarding 35 U.S.C. § 112, Second Paragraph**

Claims 1-25 stand rejected, under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In the Office Action, the term “at least some” is considered to be indefinite and the examiner states that he has interpreted the phrase to mean “at least one” (Office Action, paragraph spanning pages 2-3). In accordance with the Examiner’s interpretation, this phrase has been amended to recite “at least one” and, thus, this rejection is moot.

**Remarks Regarding 35 U.S.C. § 103(b)**

- A.** Claims 1-3, 5-11, 16, 17, 46, 47, 51-53 and 57-59 stand rejected, under 35 U.S.C. § 103(b), as allegedly obvious over Ballantyne et al. (U.S. Patent No. 5,867,821; “Ballantyne”), [and] further in view of Shear (U.S. Patent No. 4,827,508).
- B.** Claims 20-22 and 26-29 stand rejected, under 35 U.S.C. § 103(b), as allegedly obvious over Baker further in view of Ballantyne.
- C.** Claims 4, 12-15 and 48-50 stand rejected, under 35 U.S.C. § 103(b), as allegedly obvious over modified Ballantyne and Shear, and further in view of Baker.

D. Claims 18, 19 and 54-56 stand rejected, under 35 U.S.C. § 103(b), as allegedly obvious over modified Ballantyne and Shear, and further in view of Arpeggio.

E. Claims 23-25 stand rejected, under 35 U.S.C. § 103(b), as allegedly obvious over modified Baker and Ballantyne, and further in view of Arpeggio.

Applicant respectfully traverses these rejections and incorporates the arguments as set forth in the Response filed February 25, 2005. In addition, applicant provides the following additional remarks.

All prior art rejections are based on certain alleged disclosures in Ballantyne. As was discussed at the interview on April 11, 2005, Ballantyne does not suggest the claimed invention either solely or in combination with the cited references. As claimed, applicant's invention is a patient-based medical record system. In accordance therewith, and as stated by applicant at page 13, lines 3-5 of the specification: *"The system of the invention is patient-based, which means that, unlike institution-based medical records systems (e.g. hospital-based), the medical records of an individual are controlled and managed by that individual."* In contrast, Ballantyne is a hospital-based system. Thus, the combination of Ballantyne with the cited references would lead one skilled in the art only to other hospital-based systems. As applicant's patient-based system is not disclosed in Ballantyne or suggested from any combination of the cited references, all these rejections are overcome.

None of the cited references, either alone or in combination, disclose or suggest a vetted and certified system as to the accuracy and correctness of the information contained with medical records. Information so vetted and certified possesses the characteristic of non-repudiation, which is not non-repudiation in the context of public key infrastructure ("PKI") systems, as was discussed at the Interview.

#### **Interview Summary Statement**

The undersigned appreciates the opportunity to meet with Examiner Pzyocha and Supervisor Caldwell on Monday, April 11, 2005. At that meeting, the invention was generally discussed as were the claims, the rejections set forth in the Office Action and

the Ballantyne reference. The discussion that took place at the interview are set forth in the Interview Summary provided by PTO.

Notably, applicant pointed out that the claimed invention is a patient-based system. Applicant's definition of a patient-based system can be found at page 13, lines 3-5. No patient-based system is disclosed or suggested in any of the cited references either individually or in combination, which, at best, disclose hospital-based systems that teach against applicant's invention.

Also notably, applicant explained that non-repudiation, according to the claimed invention, is not non-repudiation in the context of a PKI system. Pursuant to the claimed invention, non-repudiation is a consequence of vetting and certification of the information contained within the medical record as accurate and correct as to accuracy of transcription. The independent claims were amended to incorporate certification and accuracy of transcription to expedite a prompt allowance.

**Conclusion**

The application including pending claims 1-29 and 46-75, are believed to be in condition for allowance and the prompt issuance of a Notice of Allowance is respectfully requested.

No fees are believed to be due with the filing of this Amendment. However, if any fees are later determined to be due, including any fees for an extension of time, applicant respectfully requests that extension and that all such fees be charged to **Deposit Account No. 50-1682, referencing Attorney Docket No. 144009.00100.**

Respectfully submitted  
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